

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: LESLIE L. LIPSEY and
TINA M. LIPSEY**

**CHAPTER 13
NO. 20-10231 DW**

RESPONSE TO MOTION TO DISMISS

COMES NOW, LESLIE L. LIPSEY and TINA M. LIPSEY, Debtors in the above styled and numbered cause, by and through undersigned counsel, and file this their Response to Motion to Dismiss, said Motion (Dkt. #79) having been filed by the Chapter 13 Trustee ("Trustee"), respectfully showing unto the Court as follows:

1. Debtors fell behind because of time it took to purchase a replacement truck as Debtor 1 was not able to work until the truck was purchased and initial repairs needed were completed.
2. Debtors request that the exempt funds from the insurance settlement on the prior truck be applied to the plan paying the secured and priority claims.
3. An additional reason for the missed is payments that because of the pandemic's increase in COVID 19 cases and deaths through the winter reduced the potential jobs for Debtor 1 as a painter, drastically reducing his income, but now that the cases have lowered, he is obtaining work on regular basis.
4. Debtors request that the remaining arrearage be placed in the plan and that plan be extended to 60 months from confirmation.
5. If necessary, the Debtors' counsel will notice out any Order authorizing Debtors' request.

WHEREFORE, Debtors pray that this Court will enter its Order denying the Trustee's Motion to Dismiss and further granting relief consistent with this Response. Debtors pray for such other, further and general relief to which they may be entitled.

Respectfully Submitted,
LESLIE L. LIPSEY and
TINA M. LIPSEY, Debtors

By: /s/ Robert Gambrell
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Debtors; MSB #4409
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CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtors, do hereby certify that the following have been served electronically via ECF the above Response to Motion to Dismiss to:

David W. Asbach, Acting U. S. Trustee
Locke D. Barkley, Chapter 13 Trustee
and to all parties that have entered an appearance requesting service via ECF

Dated this the 10th day of March, 2021.

/s/ Robert Gambrell
ROBERT GAMBRELL